

Appl. No. 09/836,438
In re Gascher
Reply to Office Action of Oct. 6, 2004

REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action dated October 6, 2004 and the personal interview of January 4, 2005. The above amendment and remarks to follow are intended to be fully responsive thereto.

Claims 1-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (US 6,088,450), and further in view of Mittelbach (US 5,475,770). Applicant disagrees. However, in order to expedite the prosecution of the present application, claim 1 has been amended by further specifying that the identification unit is an electronic device able to automatically communicate with the recognition device without human intervention. Moreover, claims 1 has been amended to correct minor inconsistencies.

Regarding claim 1: Davis fails to disclose an electronic identification unit able to automatically communicate with the recognition device without human intervention by a data exchange determined by a recognition protocol. Moreover, Davis fails to disclose a step of transmission by the recognition device of at least two transmission data (P1, P2), and a step of transmission by the identification unit of at least two response data (P1R, P2R) automatically generated by the identification unit in response to the transmission data (P1, P2).

Contrary to the process recited in claim 1, Davis teaches the operational steps wherein the node, first, prompts a user for a password. Obviously, the prompt for a password

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cannot be interpreted as “at least two transmission data”. Upon the user entering his or her password, the node determines whether the password is correct (Step 410). Thus, the password is generated by the user, not automatically by the identification unit. Moreover, if the user enters password correctly, no second try is necessary.

The Examiner further alleges that Davis discloses a step of measuring a reaction time (Tr) between the transmission of data (P1) and the reception of the corresponding response data (P1R) by the recognition device noting that Davis teaches that “if the password is incorrect, the node prompts the user to re-enter the password. Of course, the node may be configured to allow only one or more tries to enter the password before precluding access to the node without assistance by security (such as a corporate security officer) or imposing a time-delay before one can attempt to try to access the node.” Thus, the Examiner fails to show that Davis does disclose the above step of the process. Moreover, after carefully reviewing the disclosure of Davis, the Applicant claims that nowhere in the specification Davis discloses the step of measuring a reaction time (Tr) between the transmission of data (P1) and the reception of the corresponding response data (P1R) by the recognition device. The Applicant kindly requests the Examiner to point to a specific place (column, line) in the ‘450 patent where Davis discloses the recited step of measuring a reaction time (Tr) between the transmission of data (P1) and the reception of the corresponding response data (P1R) by the recognition device. Therefore, the process of Davis fails to disclose a step of measuring a

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reaction time (Tr) between the transmission of data (P1) and the reception of the corresponding response data (P1R) by the recognition device.

Furthermore, the process of Davis fails to disclose that at least one of a time interval (T) between the transmission of the two successive transmission data (P1, P2) and the initialization time (T0) is made to vary randomly.

The Examiner admitted that does not disclose a step of verifying that the measured reaction time is less than a predetermined threshold. Then the examiner alleges that Mittelbach states that “the processing status of a recognition unit being determined by status information which indicates the currently running partial process of a recognition process, the value of the timer being compared with an expected value for the processing time of the partial process currently running in the recognition unit, and if the expected value is exceeded, the control unit triggers an abortion of the recognition process in the recognition unit if a further document is awaiting processing and all recognition units are busy with recognition tasks.”

The Examiner alleges that it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to combine teachings of Davis and Mittelbach. However, the Examiner fails to prove as to why one having ordinary skill in the art would have found the claimed invention to be obvious in light of the teachings of the prior art cited, and to explain how any prior art modification would be accomplished.

Davis discloses an authentication system to control an operating state of a node, such

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a computer, while Mittelbach discloses a method and a circuit arrangement for automatic character recognition on written documents. Thus, the anticipatory prior art is non-analogous and cannot be combined.

Moreover, the process of Mittelbach compares the value of the timer with an expected value for the processing time of the partial process currently running in the character recognition unit (not the reaction time between the transmission of data and the reception of the corresponding response data by the recognition device), and if the expected value is exceeded, the control unit triggers an abortion of the character recognition process in the character recognition unit (not securing a communication between a recognition device and an identification unit) if a further document is awaiting processing and all recognition units are busy with recognition tasks.”

Therefore, even if the teachings of Davis and Mittelbach could be combined, the resulting process would still lack the step of verifying that the measured reaction time is less than a predetermined threshold, wherein at least one of a time interval (T) between the transmission of the at least two successive transmission data (P1, P2) and the initialization time (T0) is made to vary randomly.

Therefore, claim 1 and claims 2-9 dependent upon claim 1 define the present invention over Davis in view of Mittelbach and are in condition for allowance. The Examiner agreed with this conclusion during the personal interview of January 4, 2005.

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Further regarding claim 2: in addition to the above arguments regarding the patentability of claim 1, Davis fails to disclose that the time interval (T) between the transmission of the at least two successive transmission data (P1, P2) is made to vary in the course of the same exchange of data between the recognition device and the identification unit. The Examiner cites the system of Davis that prompts the user to re-enter the password, allowing one or more tries to enter the password before precluding access to the node without assistance by security (such as a corporate security officer) or imposing a time-delay before one can attempt to try to access the node. Clearly, the provision allowing the user one or more tries to enter the password before precluding access to the node, cannot possibly be interpreted as the variation of the time interval between the transmission of the at least two successive transmission data. Therefore, the rejection of claim 2 under 35 U.S.C. 103(a) is improper.

Further regarding claim 3: in addition to the above arguments regarding the patentability of claim 1, Davis fails to disclose the specific limitations of claim 3.

Further regarding claim 4: in addition to the above arguments regarding the patentability of claim 1, Davis fails to disclose an authentication phase (AUT) comprising in a wakeup step (RE), a request step (RQ), an anticollision step (ANT), a selection step (SE) and a response step (RP). The Examiner cites col. 6, lines 10-14 of Davis. However, after carefully reviewing the disclosure of Davis, the Applicant claims that nowhere in the specification Davis discloses the recited steps. The Applicant kindly requests the Examiner

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to point to a specific place (column, line) in the '450 patent where Davis discloses the recited steps.

Therefore, it is respectfully submitted that claims 1-9 are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully submitted:

By:



George Ayvazov
Reg. No. 37,483

Liniak, Berenato & White
Suite 240
6550 Rock Spring Drive
Bethesda, Maryland 20817
Tel.: (301) 896-0600
Fax: (301) 896-0607